

REMARKS

Claims 1-17 remain pending in the present application. Claims 1 and 17 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-17 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection. The specification at paragraph [0016] states that control system 30 activates compressor 36 to supply pressurized air to the air spring 22 to raise the vehicle to its specified height. Connecting line 38 supplies pressurized air to the shock absorber to adjust the damping characteristics of the shock absorber. Control system 30 also releases air pressure from the spring to lower the vehicle body to the specified height. Connecting line 38 releases pressurized air from the shock absorber to adjust the damping characteristics of the damper. Thus, control system 30 adjusts the pressure in fluid line 38 which is connected to valve 100. Valve 100 defines fluid chamber 170 which is supplied fluid pressure through line 38 to adjust the damping characteristics of the shock absorber. Thus, while control system 30 changes fluid pressure within line 38, it is valve 100 that changes the damping characteristics of the shock absorber base on the fluid pressure as described in paragraph [0029].

Claim 1 has been amended to define the valve assembly as always being in direct communication with the fluid in the spring for controlling damping characteristics of the shock absorber at the specified height based upon the pressure of the fluid in the

spring. The control system changes the fluid pressure in the spring. Applicant believes this clearly defines the present system and it is fully supported by the specification as originally filed.

Claim 17 has been amended to define that only a change in the pressure of the fluid in the spring changes the damping characteristics of the shock absorber. Both paragraphs [0016] and [0029] support this claim limitation.

Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 9 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over De Molina '239 in view of Buma, et al. '554. Claims 4-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over De Molina in view of Buma as applied to Claim 3 above, and further in view of either Heinz, et al. or Patzenhauer, et al. '885.

Claim 1 has been amended to define the valve assembly as always being in direct communication with the fluid in the spring for controlling damping characteristics of the shock absorber at the specified height based upon the pressure of the fluid in the spring.

As stated by the Examiner, De Molina '239 does not have a distance determining means between the unsprung and sprung portions of the vehicle and thus De Molina does not control the height of the vehicle. De Molina controls the damping of the shock absorber based upon driving conditions sensed by sensor control 54 to provide firm damping by connecting the shock absorber to the air spring when the load is uneven or

to provide soft damping by connecting the shock absorber to the air spring through low pressure circuit 32 when the road is even (column 4, lines 55 – column 5, line 22). Buma, et al. discloses a distance determining means which controls the vehicle's attitude but Buma, et al. does not disclose controlling damping characteristics.

Combining Buma, et al. with De Molina will not disclose, teach or suggest a damping system as defined in Claim 1. By adding the disclosure of Buma, et al. to De Molina may provide De Molina with control of the vehicle's attitude but it will not provide a system where the valve assembly is always in direct communication with the fluid in the spring as is defined in amended Claim 1. Even with attitude control added, De Molina will still be able to select firm or soft and will thus put low pressure circuit 32 between the shock absorber and the spring. Claim 1, as amended, defines the valve as always being in direct communication with the spring.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-17, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 1, 2006

By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg